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UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF PENNSYLVANIA

IN RE: MOUSSA SACKO, : Chapter 13

:

Debtor : Bky. No. 16-15151 ELF

AMENDED ORDER

AND NOW, upon consideration of the Motion for Relief from the Automatic Stay (the Pending §362 Motion) (Doc. # 115) filed by U.S. Bank National Association, the Debtor's response, and the Debtor's Motion for Relief form the Order Entered July 19, 2019 (Doc. # 113), collectively "the Motions;"

AND, based upon the settlement between the parties recited in open court on October 9,2018, the Motions having been resolved by agreement;

AND, the parties having clarified certain terms of the agreement in a telephone conference held on the record on **October 17, 2018**;

It is therefore **ORDERED** and **DETERMINED** that:

- 1. This Order amends and **SUPERSEDES** the Order dated **October 10, 2018** (Doc. # 121).
- The holder of the subject mortgage in this case, with the right to enforce the mortgage is U.S.
 Bank National Association, as Indenture Trustee on Behalf of and with Respect to Ajax
 Mortgage Loan Trust 2016-2, Mortgage-backed Notes, Series 2016-2 ("the Movant").
- 3. The automatic stay shall remain in effect **PROVIDED** that:
 - a. **On or before October 17, 2018**, the Debtor files a motion to amend his confirmed chapter 13 plan to provide for payment of the post-petition charges of **\$2,176.00** stated in the Movant's Notice of Post-Petition Mortgage Fees, Expenses, and Charges filed December 21, 2016 (supplement to Claim No. 4-1) (hereafter "the 2016 Post-Petition Charges"); and

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b. the Debtor remains current on all future payment obligations under the subject note and mortgage during the pendency of this bankruptcy case as required by 11 U.S.C.

§1322(b)(5);

4. In the event that the Debtor defaults on his obligations under Paragraph 2, the Movant may

give the Debtor and the Debtor's counsel written notice of the default. If such default is not

cured within ten (10) days after the service of the notice, upon Certification of Default filed

with the court and served on the Debtor and the Debtor's counsel, the court may terminate the

automatic stay without a further hearing.

5. If the Debtor remains current on all future payment obligations under the subject note and

mortgage during the pendency of this bankruptcy case, or cures any temporary default, the

Movant CONDITIONALLY WAIVES its claim to seek post-petition mortgage fees and

attorney's fees for the period **December 22, 2016** through **October 9, 2018**. If, however, the

Debtor defaults on those obligations and this bankruptcy case is converted to chapter 7 or

dismissed, this Paragraph and the conditional waiver will be **VOID AND OF NO FORCE**

AND EFFECT.

Date: October 17, 2018

ERIC L. FRANK

U.S. BANKRUPTCY JUDGE